

REMARKS/ARGUMENTS

Claims 1-42 remain pending in the present application. However, Claims 1-11 have been withdrawn as being directed to a non-elected invention. Claims 12, 15, 23 and 32 have been amended. Applicant respectfully requests entry of these amendments and favorable reconsideration of the claims in view of the following remarks.

I. DRAWING OBJECTIONS

The drawings were objected to as including Figure 4E, which was not referenced in the specification. In response, Applicants have deleted Figure 4E, as shown on the attached replacement sheets. Therefore, Applicant respectfully requests that the Examiner withdraw the objection to the drawings.

II. REJECTIONS UNDER 35 U.S.C. §103

Claims 12-16, 19-25, 28-36 and 39-42 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Abaye* (U.S. Patent No. 7,260,060) in view of *Pepin et al.* (U.S. Patent Application Publication No. 2004/0160979). In addition, Claims 17, 18, 26, 27, 37 and 38 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Abaye* (U.S. Patent No. 7,260,060) in view of *Pepin et al.* (U.S. Patent Application Publication No. 2004/0160979) and further in view of *Wheeler* (U.S. Patent No. 7,242,932).. Applicant respectfully submits that these rejections are overcome.

Applicant has amended independent Claims 12, 23 and 32 to now similarly recite “*revising the selected coding scheme from the plurality of supported coding schemes based upon only the communication quality level delivered between the AP and WLAN*

terminal." Applicant respectfully submits that this feature is not taught or suggested by the combination of *Abaye* and *Pepin et al.*

Both *Abaye* and *Pepin et al.* describe using the end-to-end quality level to determine the codec and/or coding rate to use for a call. For example, in *Abaye*, a throughput measurement is performed between the destination terminals, and the supported codecs are selected to achieve the highest possible quality of service. *See, Abaye, Abstract; col. 5, lines 25-38; col. 6, lines 15-19 and col. 7, lines 29-41.* In addition, in *Pepin et al.*, a quality of service probing module probes the end-to-end network path to determine a quality of service parameter that is used in selecting the bit rate. *See, Pepin et al., paragraphs [0037] and [0038].* Neither *Abaye* nor *Pepin et al.* teach using only the quality level of the wireless interface between the AP and the WLAN terminal to select and/or revise a coding scheme of the WLAN terminal.

Thus, the combination of *Abaye* and *Pepin et al.* does not teach each and every element of, in the detail of, the claims of the present invention. Therefore, Applicant respectfully submits that independent Claims 12, 23 and 32 (and all claims dependent therefrom) are in condition for allowance. Accordingly, Applicant respectfully requests that the Examiner withdraw the § 103 rejection of Claims 12-42.

CONCLUSION

As a result of the foregoing, the Applicant asserts that the remaining Claims in the Application are in condition for allowance, and respectfully requests an early allowance of such Claims.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Garlick Harrison & Markison Deposit Account No. 50-2126 (Ref. BP2970).

Respectfully submitted,

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